

## Message Text

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ORIGIN L-03

INFO OCT-01 ARA-06 ISO-00 AID-05 CIAE-00 COME-00 EB-07

FRB-03 INR-07 NSAE-00 USIA-06 TRSE-00 XMB-02 OPIC-03

SP-02 CIEP-01 LAB-04 SIL-01 OMB-01 DOTE-00 H-02 EPA-01

OES-03 SS-15 NSC-05 SSO-00 NSCE-00 INRE-00 USIE-00

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DRAFTED BY L/ARA:GCHESTER-FHWA:EJREIS:JVC

APPROVED BY ARA:MR. ROGERS

ARA/ECP:SROGERS (SUBS)

ARA:WLUERS

ARA/PAN:ENADEAU (SUBS)

ARA/NC:DCOX (SUBS)

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O 170051Z DEC 75

FM SECSTATE WASHDC

TO AMEMBASSY PANAMA IMMEDIATE

AMEMBASSY BOGOTA

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E.O. 11652: N/A

TAGS: ELTN, PN

SUBJECT: DARIEN GAP HIGHWAY INJUNCTION

FOR AMBASSADORS FROM ROGERS

1. INFORMAL DISCUSSION HAVE BEEN UNDER WAY WITH THE  
ATTORNEYS FOR THE PLAINTIFFS WITH A VIEW TO REACHING AN OUT  
OF COURT SETTLEMENT IN THIS CASE.

2. A SETTLEMENT IS BEING CONTEMPLATED WHICH WOULD PROVIDE  
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THAT ALL WORK FROM TOCUMEN TO RIO CONGLON AND DESIGN AND

SURVEY WORK IN COLOMBIA AND PANAMA COULD GO FORWARD IMMEDIATELY. DOT WOULD AGREE NOT TO SEEK FURTHER AUTHORIZATIONS FOR FUNDS FOR THE HIGHWAY FROM CONGRESS UNTIL AN ENVIRONMENTAL IMPACT STATEMENT AS REQUIRED BY THE NATIONAL ENVIRONMENTAL POLICY ACT IS PREPARED AND FILED WITH APPROPRIATE OFFICIALS. ADDITIONAL APPROPRIATIONS COULD BE SOUGHT, BUT NOT EXPENDED EXCEPT AS ABOVE UNTIL THE EIS IS COMPLETED. DOT ESTIMATES THE EIS WILL BE COMPLETED APPROXIMATELY JULY 1, 1976. THE SETTLEMENT WOULD ALSO TIE CONSTRUCTION WORK SOUTH OF RIO CONGLON IN PANAMA OR IN COLOMBIA TO A DEPARTMENT OF AGRICULTURE CERTIFICATION THAT SUFFICIENT PROGRESS HAS BEEN MADE ON THE AFTOSA CONTROL PROGRAM OR UNTIL THE U.S. GOVERNMENT

ALTERS ITS PRESENT DECISION NOT TO PROCEED WITH CONSTRUCTION IN COLOMBIA PENDING SUCCESSFUL IMPLEMENTATION OF THAT PROGRAM. DOT IS PARTICULARLY CONCERNED ABOUT THE POSSIBLE REACTION OF THE GOP AND GOC TO A SETTLEMENT WHICH IT FEELS THOSE GOVERNMENTS MIGHT VIEW AS WILLING PARTICIPATION BY THE EXECUTIVE BRANCH IN WHAT HAS BEEN UNTIL NOW A JUDICIAL RESTRAINT AGAINST PROCEEDING WITH THE HIGHWAY. THUS, DOT'S CONCERN IS THAT THE GOP AND GOC MIGHT VIEW AGREEMENT TO THE PROPOSED SETTLEMENT AS ACQUIESCENCE IN A VIOLATION OF THE INTERNATIONAL AGREEMENT FOR HIGHWAY CONSTRUCTION BETWEEN THE USG AND THOSE COUNTRIES.

3. IN THE DEPARTMENT OF STATE'S VIEW, THE PROPOSED SETTLEMENT DOES NOT VIOLATE THE INTERNATIONAL AGREEMENTS FOR THE CONSTRUCTION OF THIS HIGHWAY; IT IS, IN FACT, THE BEST AND SUREST METHOD, AT THIS POINT, TO ASSURE THAT WORK UNDER THE CONTRACTS ALREADY APPROVED FOR WORK IN PANAMA AND COLOMBIA CAN PROCEED IMMEDIATELY.

4. THE EMBASSIES SHOULD CONSULT AT AN APPROPRIATELY HIGH LEVEL AND OBTAIN ASSURANCES FROM THE HOST GOVERNMENTS THAT THEY WOULD VIEW AN OUT OF COURT SETTLEMENT OF THIS CASE AS AN APPROPRIATE AND DESIRABLE RESOLUTION OF THE ISSUE FROM THEIR POINT OF VIEW, IN ORDER THAT WORK CAN PROCEED NOW IN PANAMA AND THE OUTSTANDING LIMITED OFFICIAL USE

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CONTRACTS IN COLOMBIA CAN BE FULFILLED ON SCHEDULE.

5. PLEASE RESPOND AS SOON AS POSSIBLE. INGERSOLL

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CONSTRUCTION, LITIGATION, PAN AMERICAN HIGHWAY  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 17 DEC 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Drafter:** FHWA:EJREIS:JVC  
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**Film Number:** D750437-0809  
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**Original Handling Restrictions:** n/a  
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**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
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**Review Authority:** GolinoFR  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** DARIEN GAP HIGHWAY INJUNCTION FOR AMBASSADORS FROM ROGERS  
**TAGS:** ELTN, PN, CO, US  
**To:** PANAMA BOGOTA  
**Type:** TE  
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